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IN THE UNITED STATES PATENTS AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Maa, Shalong / *Ex parte*
Appeal No. : 2001-0908
Application No. : 08/833,342
Filing Date : April 04, 1997
For : "Computer-Controlled Talking Toy Figure with Animated Features"
Art Unit / Examiner : 3721 (3713) / Paradiso, J

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UNITED STATES PATENT AND TRADEMARK OFFICE

Chief Administrative Patent Judge
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

REQUEST FOR RECONSIDERATION

1. On April 23, 2002, the undersigned applicant / appellant filed a petition (Paper No. 43)(the "Petition") to the Board of Patent Appeals and Interferences (the "Board"), requesting that, (1) the above-identified appeal proceeding be advanced out of turn according to the filing dates of (a) Applicant's "Request for Reconsideration" (i.e., 10/27/1999, Paper No. 15) and (b) Applicant's original "Appeal Brief" (i.e., 06/06/2000, Paper No. 25), and taking into account (i) the requirement of M.P.E.P. § 707.02, (ii) the fact that the present application has been pending five years, (iii) the fact that Petitioner has been unduly prejudiced as a result of Examiner's refusal of following the procedures set forth in M.P.E.P., and (iv) Petitioner's exercise of due care and diligence; (2) the Board release the application file to the Office of Public Record (the "OPR") for copying so as to complete the processing of Petitioner's request for certified copies; and (3) the Board verify the genuineness of the "Examiner's Answer" dated 12/28/2000 (Paper No. 34).
2. In regarding the foregoing Petitioner's request for advancement of the appeal proceeding, the Judge states in the Decision on Petition dated July 15, 2002 (the "Decision") in response thereto that, "The petition has been considered and found not to comply with the requirements set forth under M.P.E.P. Section 708.1 ...", and therefore, dismisses the petition.
3. The undersigned Petitioner respectfully requests that the Judge reconsider such decision for the following reasons: (1) the present application has been pending more than five years; therefore (2) the petition does comply with the requirement set forth in M.P.E.P. § 708.01(I)(i.e., "item No. I" of the listing of special cases in M.P.E.P. § 708.01); (3) the petition also complies with the requirement of M.P.E.P. § 707.02; and (4) Petitioner has been unduly prejudiced as a result of Examiner's refusal of following the procedures set forth in M.P.E.P., as so stated in the Petition.